

1 WILLIAM B. TERRY, ESQ.
Nevada State Bar No. 001028
2 WILLIAM B. TERRY CHARTERED
530 South Seventh Street
3 Las Vegas, Nevada 89101
(702) 385-0799
4 (702) 385-9788 (Fax)
Info@WilliamTerryLaw.com
5 Attorney for Defendant

6 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

7 UNITED STATES OF AMERICA)

8 Plaintiff,

CASE NO.: 2:17-cr-00260-JAD-VCF

9 vs.

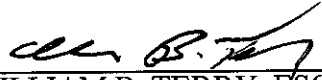
10 EHSAN ROOHANI,

11 Defendant.
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13 **STIPULATION TO CONTINUE SENTENCING SUBJECT TO THE COURT'S**
14 **FURTHER ORDER**

15 COMES NOW the Defendant, EHSAN ROOHANI, by and through his counsel, WILLIAM
16 B. TERRY, ESQ., of the law offices of WILLIAM B. TERRY, CHARTERED and moves that this
17 Honorable Court approve the stipulation entered between the United States Attorney's office,
18 specifically being Kathy J. Lemke, Assistant United States Attorney - District of Arizona and the
19 undersigned counsel requesting that the sentencing date currently set for February 13, 2018 at 1:30
20 p.m. be continued in ordinary course to a time suggested to be in the latter portion of March 2018.
21 The instant motion is captioned as a stipulation because Ms. Lemke has been courteous enough to
22 indicate she has no objections to the motion to continue. The basis for the motion to continue is set
23 forth within the affidavit of undersigned counsel.

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Las Vegas, Nevada 89101
28 (702) 385-0799
Attorney for Defendant

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2 **AFFIDAVIT OF WILLIAM B. TERRY, ESQ.**

3 STATE OF NEVADA }
4 COUNTY OF CLARK } ss

5 WILLIAM B. TERRY, ESQ., being first duly sworn deposes and states as follows:

- 6 1. I am an attorney licensed to practice law in the State of Nevada;
7 2. That he is the attorney of record in that case entitled *USA vs. Ehsan Roohani*;
8 3. That sentencing is currently set for February 13, 2018 at the hour of 1:30 p.m. before this
9 Honorable Court;
10 4. That undersigned counsel received the proposed Presentence Report and thereafter notified
11 the preparer of that report of certain objections which counsel asked him to consider. As of
12 the time of the instant stipulation it is unknown whether or not the preparer of that report
13 concurs with the objections lodged by counsel;
14 5. The sentencing is currently set for February 18, 2018. If the preparer of the Presentence
15 Report does not concur in the objections then counsel will be filing a objection to the
16 Presentence Report. Counsel also intends to file a sentencing memorandum for the Court's
17 consideration. The concern which the counsel has is that he will not have an adequate
18 opportunity to provide the court with written objections if the preparer of the report does not
19 concur in those objections;
20 6. Counsel for Mr. Roohani contacted Assistant United States Attorney Lemke and advised her
21 of the request to continue the sentencing. She indicated she did not have any opposition to
22 the sentencing being continued and both Ms. Lemke and undersigned counsel suggest
23 sometime in the latter portion of March being at least a 30 day continuance from the current
24 February 13 date. Ms. Lemke advised undersigned counsel that the first week of March she
25 would be unavailable since she is set for trial;
26 7. The instant motion to continue is made in good faith and is the first motion of this nature
27 filed in the instant case. It is not file for purposes of delay. Mr. Roohani remains in the
28 custody of federal authorities and has concurred with the request to continue for a minimum

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of 30 days. If the Court feels that an April setting for the sentencing date is preferable,
undersigned counsel would have no objection to this.

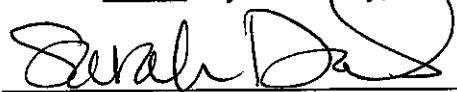
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 31st day of January, 2018.

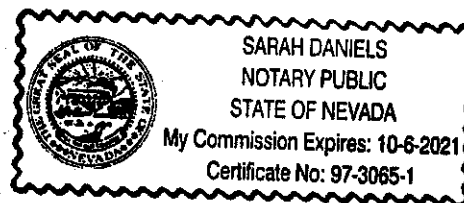


WILLIAM B. TERRY, ESQ.

SUBSCRIBED AND SWORN to before
me this 31st day of January, 2018.



NOTARY PUBLIC in and for said
County and State.



1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 UNITED STATES OF AMERICA)

5 Plaintiff,)

6 vs.)

7 EHSAN ROOHANI,)

8 Defendant.)
9

CASE NO.: 2:17-cr-00260-JAD-VCF

10 FINDINGS OF FACT

11 Based upon the pending Stipulation or the parties, and good cause appearing therefor, the
12 Court find that:

- 13 1. Counsel for the Defendant has spoken to the Defendant and the Defendant has no
14 objection to the requested continuance;
15 2. Counsel for the Defendant has spoken to Assistant United States Attorney and she
16 has no objection to the requested continuance;

17 CONCLUSIONS OF LAW

- 18 1. Denial of this request for continuance would result in a miscarriage of justice;
19 2. For all of the above-stated reasons, the ends of justice would be best served by a
20 continuance of trial date;
21 3. The additional time requested by this stipulation is excludable in computing the time
22 within which the trial herein must commence pursuant to the Speedy Trial Act, 18
23 U.S.C. §3161(h)(8)(A), considering the factors under 18 U.S.C. §3161(h)(8)(B)(I) and
24 (iv); and
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1 4. This is the first request for a continuance of the sentencing date in this case.

2 **ORDER**

3 IT IS ORDERED that the sentencing currently scheduled for February 13, 2018, at the hour
4 of 1:30 p.m., be vacated and continued until March 19, 2018, at the hour of 10:00 a.m.

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6 DATED this 31st day of January, 2018.

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10 UNITED STATES DISTRICT JUDGE
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